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Attorney for Defendant

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JAMES M. KINDER,)	Case No. 07-cv-2132-DMS(AJB)
)	
Plaintiff,)	NOTICE OF MOTION;
)	MOTION FOR
-against-)	CONSOLIDATION OF
)	ACTIONS
NATIONWIDE RECOVERY SYSTEMS, LTD.,)	
)	Date: February 8, 2008
Defendant.)	Time: 1:30 p.m.
)	Place: Courtroom 10

TO ALL PARTIES AND THEIR ATTORNEYS:

PLEASE TAKE NOTICE that on February 8, 2008 at 1:30 p.m., or as soon thereafter as counsel may be heard by the above-entitled Court, located at 940 Front Street, San Diego, California 92101, defendant, Nationwide Recovery Systems, Ltd. ("NRS"), will and hereby does move this Court for an Order of Consolidation of Actions.

NRS requests that the Court grant its Motion for Consolidation of Actions, per Fed. R.

1 Civ. P. 42(a), and consolidate the nearly identical lawsuits filed by plaintiff, James M. Kinder.

2 The *Kinder* actions currently pending are:

- 3 1. *James M. Kinder v. Bankfirst*, Case No. 07cv877 DMS(POR)
4 (low number case – filed 5/15/07);
- 5 2. *James M. Kinder v. Sprint PCS Assets LLC*, Case No. 07cv2049
6 WQH(JMA) (filed 10/26/07);
- 7 3. *James M. Kinder v. Asset Acceptance, LLC*, Case No. 07cv2084
8 DMS(AJB) (filed 10/30/07);
- 9 4. *James M. Kinder v. Astra Business Services, Inc.*, Case No. 07cv02091
10 H(JMA) (filed 10/31/07);
- 11 5. *James M. Kinder v. Nationwide Recovery Systems, LTD*, Case No.
12 07cv2132 DMS(AJB) (this case - filed 11/7/07);
- 13 6. *James M. Kinder v. Discover Card Services, Inc.*, Case No. 07cv02138
14 WQH(BLM) (filed 11/7/07);
- 15 7. *James M. Kinder v. Enhanced Recovery Corporation*, Case No.
16 07cv2152 DMS(AJB) (filed 11/8/07)
- 17 8. *James M. Kinder v. Harrah's Entertainment, Inc.*, Case No. 07cv2226
18 H(RBB) (filed 11/21/07); and,
- 19 9. *James M. Kinder v. Cavalry Investments, LLC*, Case No. 07cv02274
20 IEG(WMC) (filed 12/4/07).

21 NRS notes defendant Harrah's Entertainment, Inc., Case No. 07cv2226, contends its
22 case is sufficiently different from the other *Kinder* cases such that it should not be included in
23 any consolidation order.

24 The low number case, *James M. Kinder v. Bankfirst*, Case No. 07cv877 DMS(POR),
25 was filed on May 15, 2007 and is also pending before the Hon. Dana M. Sabraw. NRS's
26 motion is based on this notice of motion and motion, accompanying memorandum of points

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1 and authorities, the pleadings and papers on file herein and in the other 8 related lawsuits, and
2 other such matters as may be presented to the Court at the time of the hearing.

3 Dated: December 26, 2007

Sessions, Fishman & Nathan in California, L.L.P.

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5 /s/ Debbie P. Kirkpatrick

6 Debbie P. Kirkpatrick

7 Attorney for Defendant,

Nationwide Recovery Systems, Ltd.

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